THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.19774 of 1998

Dated: 07.03.2007

Between:

N.Venkatalakshmi Vijayakumari D/o Rama Murthy

..... PETITIONER

AND

The Agent to the Government of Andhra Pradesh-
Cum-District Collector, Visakhapatnam and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.19774 of 1998

ORDER:

This writ petition is filed questioning the inaction of the respondents in restoring the land admeasuring Acs.4.01 cents in Sy.Nos.71/3 and 72/1 of Pothavaram Village, Kovvur Mandal, Visakhapatnam District, in favour of the petitioner.

Petitioner states that her mother purchased the said land from the fourth respondent under an agreement of sale dated 03.05.1975 for valuable consideration, and took possession of the said land. Later, the fourth respondent filed a petition before the second respondent for restoration of the said land to him on the ground that the petitioner's father is a non-tribal, and the second respondent dismissed the same on 30.10.1977 holding that the transaction is between two tribals and as

such, the same is valid. However, the second respondent, after a lapse of nine years, reviewed the earlier order and passed an order dated 29.10.1986 directing ejectment of the petitioner's mother. Aggrieved thereby, the petitioner filed a representation before the first respondent, but no action has been taken. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

Heard the counsel for both the parties.

Apparently, the second respondent, by his order dated 30.10.1977, held that the petitioner's mother is a tribal and the sale transaction between her and the fourth respondent is valid and not hit by any of the provisions of Andhra Pradesh Schedule Areas Land Transfer Regulation
1 of 1959, as amended by Regulation 1 of 1970. When such an order is passed, in my considered view, the second respondent ought not to have passed the order, dated 29.10.1986, ordering ejectment of the petitioner's mother. However, as the petitioner's representation is pending before the first respondent, who is admittedly the appellate authority, the first respondent is hereby directed to consider the same and pass appropriate orders in accordance with law, giving sufficient opportunity to the petitioner to submit her grievance.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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07.03.2007

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